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1/6/2020

Hon. Edgardo Ramos
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Case Name: Dunbar v. Two Big Boys, Inc et al
Case Number: 1:19-cv-08321-ER

Hon. United States District Court Judge Ramos,

I represent the Plaintiff in this action. I am writing this letter to respectfully request that the Court schedule a pre-motion conference concerning the outstanding discovery issues. More specifically, Plaintiff served his Notice to Admit, document demands, interrogatories and notice of inspection upon the defendant on November 26, 2020. The defendant failed to respond. I followed up with emails and subsequently had a phone conversation with the defense counsel pursuant to Local Civil Rule 37.2 but we were unable to resolve our issues.

Fed. R. Civ. P. 36(a)(3) states, "A matter is admitted unless, within 30 days after being served, the party to whom the request is directed serves on the requesting party a written answer or objection addressed to the matter and signed by the party or its attorney." Here, Plaintiff's Requests for Admissions were served upon Defendant landlord and thirty (30) days later no response, objection or request for extension was received by Plaintiff. As such, pursuant to Fed. R. Civ. P. 36(a)(3), all the matters detailed in Plaintiff's Requests for Admissions to Defendant landlord should be deemed as conclusively established for purposes of this litigation. The Court also should deem that the defendants waived any objections to Plaintiff's document demands and interrogatories. The defendant also failed to serve its 26a disclosure.

Wherefore, I respectfully request that Your Honor schedule a pre-motion conference to address the existing discovery issues together with other further relief, which Your Honor may deem just and proper.

Dated: New York, New York

Respectfully Submitted,

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